

NORTH HUNTINGDON TOWNSHIP



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North Huntingdon Township · 11279 Center Highway · North Huntingdon, PA 15642
(412) 863-3806 · FAX (412) 863-9568

26 November 1997

EX PARTE OR LATE FILED

Board of Commissioners

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President

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Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

IN RE: Township File No. NHT97-63
Comments

Charlene Riggins
Township Manager
Township Secretary

Thomas P. Cole II
Solicitor

Donald M. Glenn
Engineer

Lucille A. Eresh
Treasurer

Dear Secretary:

Enclosed please find the original and two (2) copies of an ex parte presentation, Comments, for placement in the public file or record. The enclosed Comments filed by the Township of North Huntingdon, a First Class Township in the County of Westmoreland, Commonwealth of Pennsylvania, are with regard to the Commission's Procedures for Reviewing Requests for Relief From State and Local Regulations Pursuant to Section 322(c)(7)(B)(v) of the Communications Act of 1934 at WT Docket No. 97-192/FCC 97-303, 62 Fed. Reg. 48,034 (1997) (to be codified at 47 C.F.R.pt. 1) (proposed Sept. 12, 1997).

Very truly yours,

Thomas P. Cole, II
Solicitor

TPC,II:bjh

Enclosures - as stated

cc: Charlene A. Riggins, Township Manager/Secretary - with enclosure

10-2

FEDERAL COMMUNICATIONS COMMISSION
EX PARTE PRESENTATION

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TOWNSHIP OF NORTH HUNTINGDON

DATE FILED: November 26, 1997

EX PARTE OR LATE FILED

NUMBER:

WT 97-192

FCC 97-303

TYPE OF PLEADING:

COMMENTS

COUNSEL OF RECORD FOR
THIS PARTY:

Thomas P. Cole, II
Solicitor

Pa. I.D. #05679

ADDRESS:

15 East Otterman Street
Greensburg, PA 15601

PHONE NO.:

(412) 836-4390

The original and two (2) copies of this pleading have been submitted to the Office of the Secretary, Federal Communications Commission.

FEDERAL COMMUNICATIONS COMMISSION
EX PARTE PRESENTATION

TOWNSHIP OF NORTH HUNTINGDON)
)
) NUMBER:
) WT 97-192
) FCC 97-303

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The following Comments filed by the Township of North Huntingdon, a First Class Township in the County of Westmoreland, Commonwealth of Pennsylvania, are with regard to the Commission's Procedures for Reviewing Requests for Relief from State and Local Regulations Pursuant to Section 312(c)(7)(B)(v) of the Communications Act of 1934 at WT Docket No. 97-192; FCC 97-303, 62 Fed. Reg. 48,034 (1997) (to be codified at 47 C.F.R. pt. 1) (proposed Sept. 12, 1997). The original and two (2) copies of this pleading have been submitted to the office of the Secretary, Federal Communications Commission.

With regard to the average length of time it takes the Township to issue various permits: on average it takes the Township three (3) days to issue a building permit; three (3) to four (4) months to issue a special or conditional use permit; and two (2) to three (3) months to issue a zoning variance.

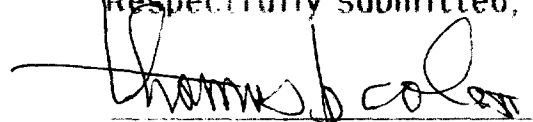
2. With regard to whether additional time is needed by the Township when such permits, as mentioned above in paragraph 1, are subject to a formal hearing: no additional time is needed by the Township.

3. With regard to which party should be required to pay for the preparation of the demonstration of compliance with the Commission's RF guidelines and regulations, the Township asserts that the service providers should be required to pay for the preparation of the demonstration of compliance. The Township further asserts that local taxpayers should not bear the costs of the preparation of the demonstration of compliance.

4. With regard to whether the Commission should adopt a rebuttable presumption that personal wireless facilities are in compliance with its RF guidelines, the Township asserts that the Commission should not adopt such a rebuttable presumption. The Township asserts that there should be a rebuttable presumption that personal wireless facilities are not in compliance with the Commission's RF guidelines. A service provider could rebut this presumption with a demonstration of compliance paid for and

prepared by said provider. Alternatively, the Township asserts that the compliance or noncompliance of personal wireless facilities with the Commission's RF guidelines should be determined on a case by case basis by the Township's review of the service provider's demonstration of compliance without a presumption for either party. If the Commission's suggested presumption is permitted in favor of the service providers, then said presumption will have the effect of requiring the Township to pay for and prepare a demonstration of compliance in order for the Township to rebut the presumption; said payment for and preparation of a demonstration of compliance being contrary to the Township's assertions in paragraph 3 above. Again, it is the Township's position that the compliance or noncompliance of personal wireless facilities with the Commission's RF guidelines should be determined on a case-by-case basis by the Township's review of the service provider's demonstration of compliance without a presumption for either party.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Thomas P. Cole, II", written over a horizontal line.

Thomas P. Cole, II
Solicitor